



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

May 8, 2008

EXXONMOBIL CHEMICAL COMPANY
P.O. BOX 2149
BAYTOWN, TX 77522-2149
US

Dear Sir/Madam,

Your refund request for 10758900 in the amount of \$1,550.00 has been denied .

Notice Regarding Request for Refund of Excess Claims Fees

The Office published a final rule notice to provide that an applicant may request a refund of excess claims fees under 37 CFR 1.117. However, the United States District Court for the Eastern District Court of Virginia issued a decision on April 1, 2008, enjoining the USPTO from implementing the changes in the final rule notice. Therefore, the USPTO currently does not have the authority to act on any request for a refund of excess claims fees for canceled claims under 37 CFR 1.117 and provide any such refund.

Sincerely,

Cynthia Streater
Technical Center Others
703 308-9010 x178

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR FEE REFUND UNDER 37 C.F.R. § 1.117

| | |
|------------------------|---------------------|
| First Named Inventor | Patrick Brant et al |
| Serial Number | 10/758,900 |
| Filing Date | January 16, 2004 |
| Title | Analysis Method |
| Examiner | Arlen Soderquist |
| Group Art Unit | 1743 |
| Confirmation Number | 7061 |
| Attorney Docket Number | 2004B004 |

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully requests a refund according to 37 CFR § 1.117 of fees paid in the instant application under 37 CFR § 1.16 (h), (i), (j), or under 1.492 (d), (e) or (f) that have been paid after December 8, 2004, as follows.

An amendment canceling claims was submitted to the USPTO on October 18, 2007, which is within two months of this request for a refund.

Further, the amendment canceling the claims was submitted before examination of the application on the merits, and specifically was before the mailing of any first office action on the merits.

| CALCULATION OF FEE REFUND | | | | | | |
|--|--|---|--------------------------------|---|-------------------------|------------|
| | HIGHEST NUMBER OF CLAIMS PREVIOUSLY PAID FOR | MINUS CLAIMS REMAINING AFTER AMENDMENT | NUMBER OF CLAIMS REDUCED | | RATE | REFUND DUE |
| Total Claims | 54 | -23 | 31 | X | \$50.00 | \$1,550.00 |
| Independent Claims | 2 | -2 | 0 | X | \$210.00 | \$0.00 |
| Application Size Fee Reduction | | | | | N/A | |
| Multiple Dependent Claim <input type="checkbox"/> Added by Amendment <input type="checkbox"/> Deleted by Amendment | | | | | N/A | |
| | | | | | TOTAL REFUND DUE: | \$1,550.00 |

Applicant requests a refund in the amount identified in the above calculation box. Please credit the refund to Deposit Account No. 05-1712 (Docket No. 2004B004).

Respectfully submitted,

Date: November 16, 2007

/Kevin M. Faulkner/

Registration No. 45,427

ExxonMobil Chemical Company
Law Technology
P.O. Box 2149
Baytown, Texas 77522-2149
(281) 834- 5933 (Voice)
(281) 834-2495 (Facsimile)